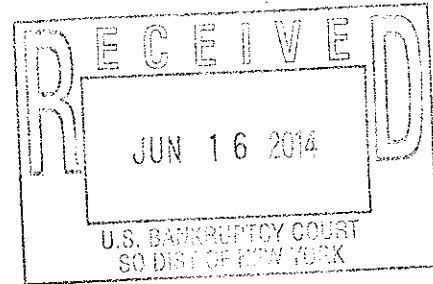


Silber, Todd P.
73 farnham rd.
South Windsor Ct. 06074
Telephone: (860)-922-4156
Pro Se, Claimant.

Proof of Claims on File in case pertaining to this document

DATE: 6/12/2014

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**



In Re:)	Case No. 12-12020 (MG)
)	
RESIDENTIAL CAPITAL, LLC, et AL.,)	Chapter 11
)	
Debtors.)	Jointly Administered
)	

OBJECTION

**Objection to the Notice of Rescap Borrower Claims Trust's Motion for Order
estimating Claims and establishing disputed claims reserve.**

This Document is to serve as Objection to the above mentioned motion filed by the Counsel for Rescap Borrower Claims Trust.

First and foremost, the motion says that out of all the claims filed, most have been resolved, settled, withdrawn or objected to and 597 are still unresolved. I have not received any settlement offers, damages, or objections to my claims. In fact I have received nearly no contact from ResCap or GMAC's Attorneys, and not a single person from any agency or counselor or representative has reached out to me to discuss my claims. Nor have I filed any withdraws, so I assume I am one of the 597 this motion is in reference to. I have called Res Cap numerous times, leaving message's and have received no returned phone calls. I have reached out to GMAC's Attorneys with questions, which are still unanswered. In general I have been left in the dark and out of the loop onto the status of my claims. So, I am filing this document assuming the motion mentioned above, is pertaining to me as I have no reason to believe otherwise.

Henceforth, I object for the following reasons. The motion refers to a majority of claims being paid and the remaining 597 are claims that are "in every instance asserted in absurdly inflated amounts", as the motion puts it. I strongly disagree and ask on what basis they determine this? My Claims are not inflated or absurd and I take offense into being generalized and thrown into a category were the motion makes reference to the claims asking for \$450,000,000; \$100,000,000; \$32,850,000; \$26,500,000, ETC. If all 597 remaining claims were in dollar amounts as such they would have a valid argument. But, it seems to me they have taken a

handful of the highest to use as examples to support this motion and are themselves exaggerating and inflating facts. I also cannot help but feel if I were represented by an attorney or an attorney myself my claims would have been handled much differently.

I also object to the declaration made in the motion that they have paid out or settled approx. 2400 of 3000 claims. This should have no general bearing on any matter and is of no relevance. It only means they are performing their appointed task with diligence and GMAC is finally being held accountable for their appalling actions, however they still have 597 more to go.

My Proof of claims on file are in support and backed by my Complaint filed in the United States District Court of Connecticut back in July, 2012 (Silber V. GMAC 3:12-cv-01087). But originate from grievances that took place even before that.

GMAC LLC. pursued a foreclosure action against me from 2010-2012 in Hartford Superior court of Connecticut (GMAC Vs. Silber HHD-CV-10-6009500-S). During this time their atrocities and wanton disregard for the laws pertaining to foreclosure and modifications was appalling. When I attempted to hold them accountable for their actions with a counter complaint, (Silber Vs. GMAC LLC, HHD-CV-12-5036301-S) they had it removed to a Federal court while still trying to illegally foreclose on my house. After many documents, appeals, and motions to reargue were filed; ultimately my Foreclosure case was dismissed. I then began to pursue my complaint in Federal court. At that point GMAC was moving forward with their bankruptcy which caused a 'stay' to be placed upon my Federal Case (Silber V. GMAC LLC 3:12-cv-01087), which I fully understand is in conjunction with Bankruptcy law. However this shows my complaints and grievances with GMAC date back to 2010. The fact my foreclosure was dismissed, and Federal case is still pending should show some validation to those claims and complaints.

The Silber V. GMAC LLC case 3:12-cv-01087 in UNITED STATES DISTRICT COURT DISTRICT OF CONNECTICUT, has complaints in regards to Violation of Truth in Lending (This is the \$30,616 in my filed claim.) I also have complaints for Bank Fraud, Breech of Contract, Breech of Covenant to bargain in good faith and Fair dealings, in addition to many others. (A copy of my original complaint filed in the United States District court of Connecticut was sent to Res Cap). For these complaints filed in my Lawsuit against GMAC LLC, I did not ask for a specific dollar amount. The complaint states I was deferring to the courts/Jury's judgment on what they would determine to be fair damages that I was entitled to after pleading my case and showing my evidence. My intent was never to ask for a dollar amount for a majority of my complaints and grievances, just to modify my loan in accordance to what FHA deemed I qualified for and was entitled to back in 2010. If this could not happen I would have differed to the court for any restitution or damages. However, as we know this case was stayed.

Upon filing my proof of claims for this case, the form specifically said, " \$30,616 + Pending case Damages awarded by the courts in the Silber V. GMAC LLC case, United states District Court of Connecticut 3:12-cv-01087". Because as stated above a majority of my original complaint was not asking for a specific dollar amount, and mostly differing to the court if a modification could not be forced. After filing this proof of claim I received a letter from RES CAP asking me to place a dollar amount and elaborate on the "Pending case Damages" part of my proof of claim already filed. Having to place a dollar amount to please RESCAP's inquiry, the Second part of my "proof of claims" that was filed within the proper time frame, is for \$231,120.00. This is how much I lost due to GMAC's Negligence, fraud, breach of contract, and

Breach of Covenant to bargain in good faith and fair dealings. As well as FHA evidence and documents I have, showing exactly what I lost due to GMAC's actions or lack of.

Let it be known in my case I also challenged GMAC's right to Service, Obtain and Transfer. And disputed the actual dollar amount they claimed owed on my mortgage. I challenged the enforcement of the Bank Note as well. It was my intention to determine if the Bank note was valid and actually enforceable; as I now believe and have evidence it is not. However, in this Bankruptcy case GMAC was forced to transfer my mortgage and I was told I was powerless to stop this, even though there are still pending claims back from 2012(which are stayed) that challenge GMAC's right to have ever obtained or service my mortgage. Furthermore the dollar amount GMAC sold/transferred my mortgage for was so absurdly inaccurate and inflated with addition charges, late fees and other dollar amounts that were wilding inflated. So I don't understand how it is fair they were allowed to sell my mortgage with a pending claim challenging the validation of it, for a dollar amount that was inaccurate and also being challenged. But now can contest my claim amounts and declare them absurdly inflated, with no proof or substantial evidence, just vague categorizing. All the while stopping me from moving forward with a case to prove them wrong and validate my claims.

As this court hopefully now sees my claims of \$30,616 + \$231,120 are very much justified and made with humility after the suffering and loss's my family and I were subject to at the hands of GMAC from 2009 until present. My claims are not absurd or wildly imaginative and should not be categorized in any way as such. I did not simply get a claims form one day and throw some astronomical number on it with wishful thinking. My complaints in United States District Court, District of Connecticut were already being sought prior to any Proof of Claims being filed here in this court. I am a very real person, with a very real case, with very real grievances. Who is not going to just go away and give up. I am not just a number pertaining to 1 of 597...

If anyone thinks my claims are imaginative, then I ask this court to lift the STAY and allow my Federal Case in United States District Court of Connecticut to commence. Allow me to present my case to a Jury, allow them to decide how imaginative my claims are. Let GMAC face the very real probability of having to rewind a mortgage, or pay extensive restitution for Bank Fraud and Breach of Contract. Illegal servicing, violation of truth and lending, and the probability of having to pay out 100% of my claims rather than the agreed 31% mentioned in the Bankruptcy courts proposed work out plan. Allow them to be held accountable for their wickedness and past transgressions I beseech you. I am fully confident with the research, testimony and evidence I have that it would not be very favorable for them, and they know it as well. I thought the purpose of a bankruptcy was to consolidate and eliminate all debt. Being one last chance to make restitution for past transgressions, one last chance to stand up and finally take accountability for your actions. I think I have shown my Proof of Claims are very fair and justified in accordance to the violations and laws GMAC has seen fit to show repeated patterns of misconduct towards throughout the years.

As I type this document in the Law Library I read this inscription on the walls. "Laws are for men of Ordinary Understanding and should therefore be construed by the ordinary rules of common sense; their meaning is not to be sought for metaphysical subtleties".

I was wronged and I filed my proper complaints and documents to seek restitution. After obtaining evidence and doing my diligence to prepare for my Federal case, it was stayed. My

complaints were then filed here as proof of claims. A work out plan was then suggested that I may not of liked very much, but in the interest of fairness did not object or speak against. How is it possible that someone can now all of a sudden determine my complaints and proof of claims are not valid or correct? It is not fair and it is unethical and immoral. I have a Case, I have evidence, I have valid claims, and I deserve my day in court. If that day is not to happen, then at the very least the Proof of Claims as filed in this court should be paid in accordance to the agreed plan in this bankruptcy. I only want what is fair and just. All I ever wanted was the opportunity to make modified payments on my home. If GMAC LLC, was able to offer me a modification based on the terms I was entitled to back in 2010 I would happily take it this very day. Since they cannot and have made it utterly impossible since the very beginning, my Claims will remain and should not be altered in anyway. I do not mean to hold this process up but have no intention of standing idle by and watch unfairness commence. If GMAC just did the right thing back in 2010, this could of all been avoided.

In closing I apologize for any inaccuracies or mistakes made with the filing of this form or if it is not presented in a traditional sense. I feel like I have been bullied and tricked many times over by GMAC LLC and its Attorney since I am self-represented. But I digress I have represented myself through a wrongful foreclosure, filed my own complaint against GMAC LLC. And will do my best here until the very end, until all options are exhausted. **Thank you for your consideration. I am more than willing to give Oral Argument or testimony on this matter. And I plan to travel to New York, and be present for the hearing on June 26th, 2014.**

NOTICE

This is to serve as Notice that I have mailed a copy of this objection to all names and addresses required by the Motion to be notified if any objections were to be filed. And have included a certification and list of all persons and their respected addresses below in which this Objection has been mailed to. This Objection is being written, filed, and sent to all parties conformed to the Federal Rules of Bankruptcy procedure, the local rules for Southern District of New York. To the best of my abilities and knowledge and being made with best intentions and good faith.

CONCLUSION

Wherefore, I, Todd Silber humbly and respectfully request this objection be sustained.

Sincerely.


Todd Silber June 12th, 2014.

Date 6/12/2014

CERTIFICATION

I certify that I have mailed this Objection to the following parties on 6/12/2014 VIS USPS.


Todd Silber
73 farnham rd.
South Windsor Ct. 06074
860-922-4156

 Date 6-12-14

This objection is being mailed via USPS to UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK, ONE BOWLING GREEN. NEW YORK NY. 10004-1408 AS WELL AS THE FOLLOWING PARTIES VIA USPS ON 6/12/2014

- A) Polsinelli, Attn: Daniel J. Flanigan and Jason Nagi. 900 3rd Ave, 21st floor. New York, NY 10022
- B) Counsel to Debtors, Morrison & Foerster LLP, Attn: Gary S. Lee, Norman S. Rosenbaum, Jordan A. Wishnew and Samantha Martin. 1290 Avenue of Americas. New York, NY 10104
- C) The Office of the United States Trustee for the Southern District of New York Federal office building. Attn: Tracy Hope Davis, Linda A Riffkin, and Brian Masumoto. 201 Varick Street Suite 1006, New York NY 10014.
- D) Office of the United States Attorney General, U.S. Department of Justice. Attn: Us Attorney General Eric H. Holder Jr. 950 Pennsylvania Ave. NW, Washington DC. 20530-0001
- E) Office of the New York State Attorney General, Attn: Nancy Lord, ESQ. and Enid Stuart, ESQ. The capitol, Albany NY. 12224-0341
- F) Office of the U.S. Attorney for the Southern District of New York. Attn: Joseph N. Cordano, ESQ. One St. Andrews Plaza, New York, NY 10007.
- G) Kirkland & Ellis LLP, Attn: Richard M. Cieri and Ray Schrock. 153 East 53rd St. New York NY 10022.
- H) Kramer Levin Naftalis & Frankel LLP, Attn: Kenneth Ekstein, Douglas Mannal, Stephen D. Zide and Joseph A. Shifter. 1177 Avenue of the Americas. New York, NY 10036.
- I) Clifford Chance US LLP, Attn: Jennifer C. DeMarco and Adam Lesman. 31 West 52nd Street, New York NY. 10019.
- J) Munger, Tolles, Olson LLP, Attn: Thomas Walper and Seth Goldman, 355 South Grand Avenue, Los Angeles CA. 90071
- K) Internal Revenue Service, P.O. Box 7346 Philadelphia PA. 19101-7346
- L) Securities and Exchange Commission, New York Regional Office. Attn: George S Canellos, Regional director. 3 world trade Center, Suite 400, New York NY. 10281-1022

Todd Silber
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 Date 6-12-14